



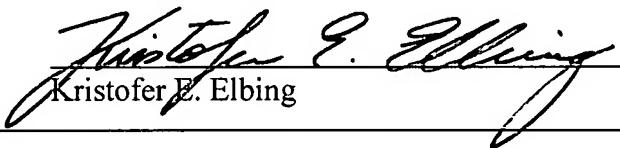
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: E. Neil Lewis et al. Examiner: Tony Ko  
Serial No.: 10/776,029 Art Unit: 2878  
Filed: February 10, 2004  
Title: HIGH-VOLUME ON-LINE SPECTROSCOPIC COMPOSITION TESTING OF  
MANUFACTURED PHARMACEUTICAL DOSAGE UNITS

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

The undersigned hereby certifies that this document is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 9, 2007.

  
Kristofer E. Elbing

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO**  
**THE DUTY OF DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 and 1.98**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants request consideration of this Information Disclosure Statement.

**PART I: Compliance With 37 C.F.R. § 1.97**

This Information Disclosure Statement has been filed with a request for continued examination. No fee is due.

**PART II: Information Cited**

Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

**PART III: Remarks**

A copy of all documents listed on the attached PTO-1449 form (modified) is enclosed. It is respectfully requested that:

The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims; and

The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that a more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

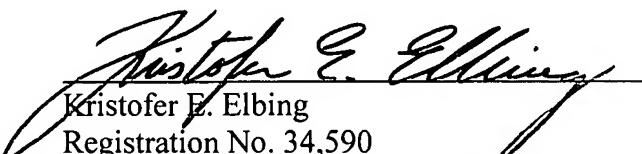
Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

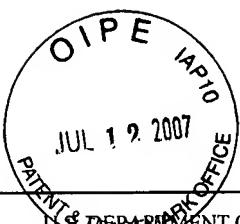
The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0750.

Respectfully submitted,

July 9, 2007  
Dated



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|--|--|---|--|---------------------|----------------------|
| SUBSTITUTE FORM PTO-1449<br>(MODIFIED) |  | U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE                            |  | Attorney Docket No. | S0001-002004         |
|  |  | INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT<br>(Use several sheets if necessary) |  | Serial No.          | 10/776,029           |
| (37 CFR §1.98(b))                      |  |   |  | Applicant           | E. Neil Lewis et al. |
|  |  |   |  | Filing Date         | July 9, 2007         |

## U.S. PATENTS

| Examiner's Initials | Patent Number | Issue Date    | Patentee             | Class | Subclass | Filing Date (If Appropriate) |
|---------------------|---------------|---------------|----------------------|-------|----------|------------------------------|
|                     | *6,495,818    | 17 Dec 2002   | Mao                  | 250   | 226      |                              |
|                     | *6483112      | 19 Nov 2002   | Lewis                | 250   | 339.05   |                              |
|                     | *6,380,539    | 30 Apr 2002   | Edgar                | 250   | 339.05   |                              |
|                     | *6,373,568    | 4 Apr 2002    | Miller et al.        | 356   | 326      |                              |
|                     | *6,323,944    | 27 Nov 2001   | Xiao                 | 356   | 73       |                              |
|                     | *6,313,423    | 6 Nov. 2001   | Sommer et al.        | 209   | 587      |                              |
|                     | *6,253,162    | 26 Jun 2001   | Jarman et al.        | 702   | 179      |                              |
|                     | *6,236,047    | 22 May 2001   | Malin et al.         | 250   | 339      |                              |
|                     | *6,229,913    | 8 May 2001    | Nayar et al.         | 382   | 154      |                              |
|                     | *6,211,906    | 3 Apr 2001    | Sun                  | 348   | 144      |                              |
|                     | *6,172,743    | 9 Jan 2001    | Kley et al.          | 356   | 39       |                              |
|                     | *6,166,373    | 26 Dec 2000   | Mao                  | 250   | 226      |                              |
|                     | *6,120,518    | 19 Sep 2000   | Mark et al.          | 606   | 170      |                              |
|                     | *6,118,530    | 12 Sep 2000   | Bouevitch et al.     | 356   | 308      |                              |
|                     | *6,078,390    | 20 Jun 2000   | Bengtsson            | 356   | 318      |                              |
|                     | *5,949,480    | 7 Sep 1999    | Gerhart et al.       | 348   | 135      |                              |
|                     | *5,880,830    | 9 Mar 1999    | Schechter            | 356   | 318      |                              |
|                     | *5,828,066    | 27 Oct 1998   | Messerschmidt        | 250   | 339      |                              |
|                     | *5,790,188    | 4 Aug 1998    | Sun                  | 348   | 144      |                              |
|                     | *5,675,155    | 7 Oct 1997    | Pentoney, Jr. et al. | 250   | 458.1    |                              |
|                     | *5,668,373    | 16 Sep 1997   | Robbat, Jr. et al.   | 250   | 339.12   |                              |
|                     | *5,615,009    | 25 Mar 1997   | Sakura et al.        | 356   | 326      |                              |
|                     | *5,606,413    | 25 Feb 1997   | Bellus et al.        | 356   | 326      |                              |
|                     | *5,589,351    | 31 Dec 1996   | Harootunian          | 435   | 29       |                              |
|                     | *5,579,105    | Nov. 26, 1996 | Belton et al.        | 356   | 310      |                              |
|                     | *5,568,266    | 22 Oct 1996   | Ciza et al.          | 356   | 402      |                              |
|                     | *5,558,231    | 24 Sep 1996   | Weier                | 209   | 580      |                              |
|                     | *5,545,897    | 13 Aug 1996   | Jack                 | 250   | 339.13   |                              |
|                     | *5,532,128    | 2 Jul 1996    | Eggers et al.        | 435   | 16       |                              |
|                     | *5,528,368    | 18 Jun 1996   | Lewis et al.         | 356   | 346      |                              |
|                     | *5,508,200    | 16 Apr 1996   | Tiffany et al.       | 436   | 44       |                              |

|  |            |             |                   |     |        |  |
|--|------------|-------------|-------------------|-----|--------|--|
|  | *5,504,332 | 2 Apr 1996  | Richmond et al.   | 250 | 339.12 |  |
|  | *5,488,474 | 30 Jan 1996 | Fateley et al.    | 356 | 326    |  |
|  | *5,448,069 | 5 Sep 1995  | Tobler et al.     | 250 | 339.01 |  |
|  | *5,440,388 | 8 Aug 1995  | Erickson          | 356 | 346    |  |
|  | *5,386,112 | 31 Jan 1995 | Dixon             | 250 | 234    |  |
|  | *5,379,065 | 3 Jan 1995  | Cutts             | 348 | 269    |  |
|  | *5,377,003 | 27 Dec 1994 | Lewis et al.      | 356 | 300    |  |
|  | *5,272,518 | 21 Dec 1993 | Vincent           | 356 | 405    |  |
|  | *5,257,086 | 26 Oct 1993 | Fateley et al.    | 356 | 328    |  |
|  | *5,244,630 | 14 Sep 1993 | Khalil et al.     | 422 | 52     |  |
|  | *5,166,755 | 24 Nov 1992 | Gat               | 356 | 419    |  |
|  | *5,029,245 | 2 Jul 1991  | Keranen et al.    | 250 | 205    |  |
|  | *5,007,737 | 16 Apr 1991 | Hirleman, Jr.     | 356 | 336    |  |
|  | *4,922,092 | 1 May 1990  | Rushbrooke et al. | 250 | 213    |  |
|  | *4,788,428 | 29 Nov 1988 | Metcalf et al.    | 250 | 332    |  |
|  | *4,599,001 | 8 Jul 1986  | Richard           | 356 | 419    |  |
|  | *4,278,538 | 14 Jul 1981 | Lawrence et al.   | 209 | 580    |  |
|  | *4,054,389 | 18 Oct 1977 | Owen              | 356 | 189    |  |
|  | *4,004,150 | 18 Jan 1979 | Natelson          | 250 | 328    |  |
|  | *3,929,398 | 30 Dec 1975 | Bates             | 356 | 186    |  |
|  | *3,737,239 | 5 Jun 1973  | Adams et al.      | 356 | 177    |  |

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

| Examiner=s Initials | Document Number  | Publication Date | Country or Patent Office | Class | Subclass | Translation (Yes/No) |
|---------------------|------------------|------------------|--------------------------|-------|----------|----------------------|
|                     | *WO 00 60529 A1  | 12 Oct 2000      | WIPO                     |       |          |                      |
|                     | *WO 99 02950 A1  | 21 Jan 1999      | WIPO                     |       |          |                      |
|                     | *WO 98 15813 A1  | 16 Apr 1998      | WIPO                     |       |          |                      |
|                     | *WO 97 13839 A1  | 25 Sep 1996      | WIPO                     |       |          |                      |
|                     | *WO 89 05465A1   | 15 Jun 1989      | WIPO                     |       |          |                      |
|                     | *GB 2 315 131 A  | 21 Jan 1998      | United Kingdom           |       |          |                      |
|                     | *GB 2 014 300 A  | 22 Aug 1979      | United Kingdom           |       |          |                      |
|                     | *EP 0 887 638 A1 | 30 Dec 1998      | European Patent Office   |       |          |                      |
|                     | *DE 28 23 514 A  | 5 May 1978       | Germany                  |       |          | Yes                  |

## OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PLACE OF PUBLICATION)

|  |  |
|--|--|
|  | *Akong, M. et al. "High-Throughput Measurement of Intracellular Ca <sup>2+</sup> by Fluorescence Imaging of a 96-Well Microtiter Plate," <u>25th Annual Meeting of the Society for Neuroscience</u> , Society for Neuroscience Abstracts, 21 (1-3). 1995, 577. |
|  | *Frgala, T; Proffitt, RT; Reynolds, CP. "A novel 96-well plate cytotoxicity assay based on fluorescence digital imaging microscopy," <u>Proceedings of the Eighty-sixth Annual Meeting of the American Association for Cancer Research</u> , 36 (March 1995).  |
|  | *Geladi, Paul and Grahn, Hans. <u>Multivariate Image Analysis</u> . John Wiley and Sons, 1997, pp. vii-xiii, 23-44.  |

|   |   |
|---|---|
|   | *Grant, RL; Acosta, D. "Ratiometric measurement of intracellular pH of cultured cells with BCECF in a fluorescence multi-well plate reader," <i>In Vitro Cell Dev Biol Anim</i> , 33(4) (April 1997), 256-260.  |
|   | *Hyvarinen, Tymo; Herrala, Esko; and Dall' Ava, Alberto. "Direct sight imaging spectrograph: a unique add-on component brings spectral imaging to industrial applications," Presented at 1998 IS&T/SPIE's Symposium on Electronic Imaging: Science and Technology (EI98), in Conference 3302: Digital Solid State Cameras: Design and Applications, Paper 3302-21, January 25-30, 1998, San Jose Convention Center, San Jose, California. |
|   | *Jansen, EH; Buskens, CA; van den Berg, RH. "Fast Detection of Homogeneous Chemiluminescent Immunoassays with a Sensitive Photoplate," <i>Journal of Chromatography</i> , 489 (1989) 245-253.   |
|   | *Mao, Chengye; Seal, Mike; Heitschmidt, Gerald. "Airborne Hyperspectral Image Acquisition with Digital CCD Video Camera," 16th Biennial Workshop on Videography & Color Photography in Resource Assessment (1997), 129-140.   |
|   | *Modell et al.; U.S. Patent Application Publication US 2001/0041843 A1; publication date Nov. 15, 2001.   |
|   | *Optical Insights, LLC. "MultiSpec Imager," 1998.   |
|   | *Schulke, John R; Butler, John H; Ni, Zhi-Jie; Chen, Dawn; Yuan, Zhengyu. "A High-Density Screening Format for Encoded Combinatorial Libraries: Assay Miniaturization and Its Application to Enzymatic Reactions," <i>Analytical Biochemistry</i> , 246 (1997), 20-29.  |
|   | *Spectral Imaging Ltd. "Specim ImSpector Reference Examples," 1999.   |
|   | *Sun, Xiuhong; Baker, James; Hordon, Richard. "A Spectrally-Filtered Airborne Video System and Its Imagery," 15th Biennial Workshop on Videography & Color Photography in Resource Assessment (1995), 253-257.  |
| EXAMINER  | DATE CONSIDERED   |
| EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with the next communication to applicant.   |   |
| * A copy of this reference is not provided as it was previously cited by or submitted to the Office in Serial No. 09/507,293 filed on February 18, 2000 and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications). |   |